

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

venting central line infections and ventilator associated pneumonia.

2. Section 3 (B) (HAI-4) of the rule is amended to reflect the correct number of evidence-based interventions by changing the word "five" to "four" and add the word "insertion-related" in between the words "four" and "evidence-based" to use the correct terminology.

3. Section 8 (A) (2) of the rule is amended to reflect the correct name of the current version of the Institute for Healthcare Improvement's how-to guide for preventing central line infections and ventilator associated pneumonia.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2007.

**CHAPTER 78**

**H.P. 1300 - L.D. 1868**

**Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Legislature has determined that the Department of Health and Human Services needs to reevaluate the criteria for eligibility for services and levels of care of services and its statutory authority, rules and policies; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Review and report. Resolved:** That the Department of Health and Human Services shall convene a working group of stakeholders and other interested parties to undertake a review of current statutes, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders. The purpose of the review is for the department to evaluate the need for changes in statute, rule or policy to ensure fairness and equity in the provision of services and to

evaluate the need for additional resources to meet unidentified need. By January 1, 2008, the department shall report to the Joint Standing Committee on Health and Human Services on its progress in the review and any recommended changes in law. The Joint Standing Committee on Health and Human Services is authorized to submit legislation related to the recommendations of the working group to the Second Regular Session of the 123rd Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 14, 2007.

**CHAPTER 79**

**H.P. 852 - L.D. 1159**

**Resolve, To Encourage Increased Use of Biofuel in Maine**

**Sec. 1. Development of a plan for a pilot program to establish refueling stations for biofuel. Resolved:** That the Executive Department, State Planning Office, Office of Energy Independence and Security shall develop a plan for a pilot program to establish refueling stations for biofuel that is at least 85% ethanol. The office shall collaborate with the United States Department of Energy and the ethanol industry to secure resources and funding to facilitate the pilot program. The goal of the program is to convert up to 20 pump and tank systems to dispense biofuel that is at least 85% ethanol in areas of the State that have the highest population density and percentage of vehicles capable of receiving the fuel; and be it further

**Sec. 2. Report. Resolved:** That, no later than January 31, 2008, the Executive Department, State Planning Office, Office of Energy Independence and Security shall report its plan under section 1 along with any recommended legislation related to the plan to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may submit a bill related to the plan to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

**CHAPTER 80**

**S.P. 407 - L.D. 1219**

**Resolve, To Study Flood Control and Water Storage**

**Sec. 1. Study of flood control and water storage. Resolved:** That the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, referred to in this resolve as "the agencies," shall undertake a study of current state and federal laws regarding flood control and water storage by hydropower facilities, water level regimes of regulated storage reservoirs, the impact of those laws and regimes on flood control and any other consideration the agencies determine to be necessary to effectuate the purpose of the study. The purpose of the study is to identify ways to reduce the threat of flooding in the State. In conducting the study, the agencies shall invite the participation of interested stakeholders, including, but not limited to, representatives of hydropower facilities, environmental groups and municipal officials. By January 15, 2008, the agencies shall submit a report related to the study under this section, along with any necessary implementing legislation, for presentation to the Joint Standing Committee on Natural Resources. The Joint Standing Committee on Natural Resources is authorized to submit legislation related to the report to the Second Regular Session of the 123rd Legislature; and be it further

**Sec. 2. Review of criteria for water level modification. Resolved:** That the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall review and submit a report on the criteria and procedures by which the water levels of dams and flood control structures in the State are modified in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must include an assessment of the effectiveness of those procedures in connection with the major rain events that occurred in May 2006 and April 2007. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

See title page for effective date.

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**CHAPTER 81**

**S.P. 325 - L.D. 1008**

**Resolve, Directing the Commission on Governmental Ethics and Election Practices To Provide Historical Data Regarding the Receipt and Resolution of Complaints Pertaining to Legislative Ethics Violations**

**Sec. 1. Commission on Governmental Ethics and Election Practices to provide historical data regarding receipt and resolution of complaints pertaining to legislative ethics violations. Resolved:** That the executive director of the Commission on Governmental Ethics and Election Practices shall provide to the Joint Standing Committee on Legal and Veterans Affairs the number of legislative ethics complaints received during the past 10 years, from whom the complaints were received, the extent of any investigation into any complaint and the final resolution of the complaints. In addition to the historical data, the executive director shall report whether or not the existing laws regarding legislative ethics and the authority granted to the Commission on Governmental Ethics and Election Practices are sufficient to properly resolve legislative ethics complaints or whether those laws impose barriers to effectively addressing actions that are recognized as violations of legislative ethics; and be it further

**Sec. 2. Report date and authorized legislation. Resolved:** That the executive director of the Commission on Governmental Ethics and Election Practices shall submit the data and report described in section 1 by February 15, 2008, including any proposed legislation. The Joint Standing Committee on Legal and Veterans Affairs is authorized to submit legislation to the Second Regular Session of the 123rd Legislature based on the information included in the report.

See title page for effective date.

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**CHAPTER 82**

**H.P. 926 - L.D. 1318**

**Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** it is essential to conduct an independent review of the programs and procedures in the public health division within the Department of Marine Resources; and

**Whereas,** the review and audit must be completed prior to the next shellfish harvesting season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-